

**REMARKS**

5 In response to the Examiner's Action mailed on December 17, 2004, claims 1 to 16 are amended. The applicant hereby respectfully requests that the patent application be reconsidered.

An item-by-item response to Examiner's objections or rejections is provided in the followings:

10 1. *Claims Rejection under 35 USC112:*

15 The Examiner rejects claims 1-16 under 35 USC 112 Second paragraph as being indefinite for failing to particular point out and distinctly claim the subject matter which the applicant regards as the invention.

20 In response to the rejections, claims 1-16 are amended and the indefinite term "controlling the width" is now removed and the amended claims are changed to particularly point out and specifically claim the subject matters of the invention.

2. *Rejection of Claims under 35 USC §102*

25 The Examiner rejects claims 1 to 16 as being anticipated by Grillot '171. According to the Examiner, Grillot teaches a chirped multi-well active region which establishes an even distribution of electrons and holes by adjusting the barrier and well thicknesses of the separate confinement hetero-structures. As best understood applicant's claims do not structurally distinguish over Grillot as shown in the figures and column 6  
30 line 10-column 9 line 30. The mathematical formulas recited in the applicant's claims do not distinguish over the applied art because the same formulas describe carrier movement in the applied art. The

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Examiner further cites Domen '403 and Lee '317 as relevant art.

5 In response to the rejections, claims 1-16 are amended. The  
amended claim 1 is now directed to a method for configuring an optical  
amplifier that is entirely different and distinguishable from the LED as  
directed by the Grillo.

10 With the amended claims and the reasons provided above, the  
applicant hereby respectfully requests that Examiner's rejections under 35  
USC § 112 and 35 USC § 102 be withdrawn and the present application be  
allowed.

Respectfully submitted  
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By



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